

Case Nos. 08-16745, 08-16873, 09-15021

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

THE FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs-Appellees,

v.

CONNECTU, INC. (formerly known as CONNECTU LLC), CAMERON
WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA,

Defendants-Appellants.

Appeal from the United States District Court Northern District of California,
Case No. CV 07-01389-JW, The Honorable James Ware

**DECLARATION OF MONTE M.F. COOPER IN SUPPORT OF
APPELLEES' (1) RESPONSE IN OPPOSITION TO APPELLANTS'
"MOTION TO STRIKE PORTIONS OF BRIEF UNSUPPORTED BY
RECORD" AND (2) CROSS-MOTION FOR JUDICIAL NOTICE**

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Attorneys for Appellees

I, Monte M.F. Cooper, declare as follows:

1. I am a Of Counsel with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Facebook, Inc. and Mark Zuckerberg. I am a member of the State Bars of California, Colorado, and the Ninth Circuit. I make this declaration in support of Appelles' (1) Response in Opposition to Appellants' "Motion To Strike Portions of Brief Unsupported by Record" and (2) Cross-Motion for Judicial Notice. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Facebook, Inc. and Mark Zukerberg's Joinder in ConnectU's Renewed Request for Hearing Date Relating to Production of ConnectU's Documents, filed on December 23, 2009 in the United States District Court Northern District of California, Case No. 5:07-CV-01389-JW (MEJ).

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Manual Filing Notification for Exhibit A to: Facebook, Inc. and Mark Zukerberg's Joinder in ConnectU's Renewed Request for Hearing Date Relating to Production of ConnectU's Documents, filed on December 23, 2009 in the United States District Court Northern District of California, Case No. 5:07-CV-01389-JW (MEJ)

4. Attached hereto as **Exhibit 3** is a true and correct copy of Exhibit A

to: Facebook, Inc. and Mark Zuckerberg's Joinder in ConnectU's Renewed Request for Hearing Date Relating to Production of ConnectU's Documents, filed on December 23, 2009 in the United States District Court Northern District of California, Case No. 5:07-CV-01389-JW (MEJ).

[CONFIDENTIAL – FILED UNDER SEAL].

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Proof of Service via Email, Federal Express and/or Hand Deliver of Exhibit A to: Facebook, Inc. and Mark Zuckerberg's Joinder in ConnectU's Renewed Request for Hearing Date Relating to Production of ConnectU's Documents, filed on December 28, 2009 in the United States District Court Northern District of California, Case No. 5:07-CV-01389-JW (MEJ).

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Biography page from the website <http://www.quinnemanuel.com/attorneys/calamari-peter-e.aspx> (last visited August 27, 2010), of attorney Peter E. Calamari, printed on August 24, 2010.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Biography page from the website <http://www.ropesgray.com/thaddavis/> (last visited August 27, 2010), of attorney Thad A. Davis, printed on August 24, 2010.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the Biography page from the website

<http://www.milberg.com/people/bio.aspx?bioid=842&emptytype=34> (last visited August 27, 2010), of attorney David Azar, printed on August 24, 2010.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Biography page from the website

<http://www.quinnemanuel.com/attorneys/wolfson-adam-b.aspx> (last visited August 27, 2010), of attorney Adam B. Wolfson, printed on August 24, 2010.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Biography page from the website <http://www.quinnemanuel.com/attorneys/bea-renee-beltranena.aspx> (last visited August 27, 2010), of attorney Renee Beltranena Bea, printed on August 24, 2010.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the Biography page from the website <http://www.finnegan.com/scottmosko/> (last visited August 27, 2010), of attorney Scott Mosko, printed on August 24, 2010.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the About Us page for Winklevoss Consultants Company from the website http://www.winklevoss.com/winklevoss/comp_about.html (last visited August 27, 2010), printed on August 24, 2010.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the About Us page for Winklevoss Technologies, LLC from the website <http://www.winklevoss.com/wintech/company/index.asp?mt=2> (last visited August

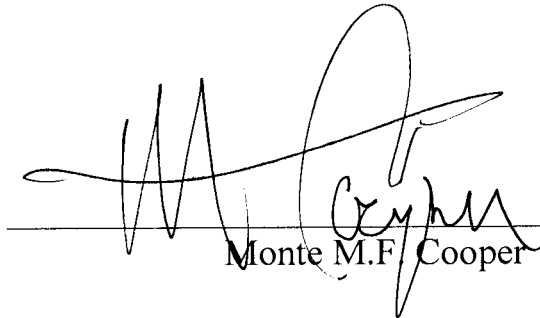
27, 2010), printed on August 25, 2010.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the Notice of Issuance of Securities Pursuant to Subdivision (o) of Section 25102 of the Corporations Code, dated October 17, 2007, obtained from the California Department of Corporations' "California Electronic Access to Securities Information" (Cal-EASI) Website as a pdf file at <http://134.186.208.228/caleasi/PDFDocs/004890374.PDF> (last visited August 27, 2010), printed on August 24, 2010.

15. To obtain a copy of the record maintained at <http://134.186.208.228/caleasi/PDFDocs/004890374.PDF> (last visited August 27, 2010), one need only go to the main web page for the California Department of Corporations' Website at <http://www.corp.ca.gov/> (last visited August 27, 2010). From there, one may use the "Securities and Franchises" link at the top of the webpage to go to the webpage devoted to the Securities Regulation Division at <http://www.corp.ca.gov/SRD/default.asp> (last visited August 27, 2010). There, a link is provided to "Access to Securities and Franchise Filings ("Cal-EASI"), which links to the webpage for the California Electronic Access to Securities & Franchise Information at <http://www.corp.ca.gov/CalEASI/caleasi.asp> (last visited August 27, 2010). There using the link titled "Search the Cal-EASI Database" one may go to the webpage at <http://134.186.208.228/caleasi/pub/exsearch.htm> (last

visited August 27, 2010). Typing in “Facebook” in the field that is presented called “Company Name” and hitting the button called “Search” takes one to the webpage at <http://134.186.208.228/caleasi/search.asp?TASKNAME=xsearchFilings> (last visited August 27, 2010), which lists several files or “Packages” with associated “File Dates.” Clicking on Package No. 265925 (filed October 18, 2007) takes one to the webpage at <http://134.186.208.228/caleasi/search.asp?TASKNAME=xshowDocs&PackageID=265925> (last visited August 27, 2010). There, a link is provided to a file called “Notice Filing Form”, dated October 18, 2007, which takes one to the pdf record located at the webpage <http://134.186.208.228/caleasi/PDFDocs/004890374.PDF> (last visited August 27, 2010), which presents an image of the record for which a true and accurate copy is attached hereto as **Exhibit 13**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 27th day of August 2010, at Menlo Park, California.



Monte M.F. Cooper